

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| EDUARDO GARZA MORA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 05-11651RCL |
| |) | |
| THE GILLETTE COMPANY, |) | |
| |) | |
| |) | |
| Defendant. |) | |
| |) | |
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DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, the Defendant, The Gillette Company, hereby moves for summary judgment dismissing the Complaint in its entirety.

In support of its motion, the Defendant relies upon the following materials, all of which are filed herewith: (i) Statement of the Material Facts of Record as to Which There Is No Genuine Issue to be Tried; (ii) Defendant's Motion for Leave to File Overlength Memorandum of Law; (iii) Defendant's Memorandum of Law in Support of its Motion For Summary Judgment; and (iv) the materials contained in Defendant's Appendix of Summary Judgment Materials.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), the Defendant respectfully requests oral argument on this motion.

Respectfully submitted,

THE GILLETTE COMPANY

By its attorneys,

/s/ Anthony D. Rizzotti
Anthony D. Rizzotti (BBO# 561967)
Christine A. Phipps (BBO# 658942)
David C. Potter (BBO#644610)
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One International Place
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(617) 951-7000

Date: September 15, 2006

DEFENDANT'S CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I, David C. Potter, counsel for the Defendants certify that, in accordance with Local Rule 7.1(A)(2), I have attempted to confer with Neil Osborne in good faith to resolve or narrow the issues raised in the Defendant's Motion for Summary Judgment. I have left four messages for Attorney Osborne between September 13, 2006 and September 15, 2006. Attorney Osborne has not returned my messages.

Date: September 15, 2006

/s/ David C. Potter
David C. Potter

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants (if any) on September 15, 2006.

Date: September 15, 2006

/s/ David C. Potter
David C. Potter